

UNITED STATES DISTRICT COURT  
For the  
DISTRICT OF MASSACHUSETTS

GEORGE MICHAEL DOWD,	)	
	)	
Plaintiff,	)	Civil Action No.
vs.	)	04-11925 NG
	)	
JAMES DOWD,	)	
	)	
Defendant.	)	
	)	

MEMORANDUM IN SUPPORT OF DEFENDANT'S MOTION PURSUANT  
TO FED. R. CIV. P. 54(b)

INTRODUCTION

The Defendant has filed a Motion for Separate Judgment under Fed. R. Civ. P. 54(b), as there is no just reason for delay for said judgment. This Memorandum is filed in support of the said Motion.

PROCEDURAL BACKGROUND

Plaintiff filed a two count Complaint against the Defendant and the Defendant responded with his Answer and a Counterclaim. The Defendant's Motion for Summary Judgment on all counts in the Plaintiff's Complaint was recently heard by this Court and allowed by Order dated June 30, 2006.

ARGUMENT

There is no just cause for delay in entering separate judgment against the Plaintiff on his Complaint. Indeed, entering judgment at this point would be helpful in determining the future course of this case, as entry of judgment will set the clock running for the appeal period and assist the Defendant in making a decision on whether to proceed on his Counterclaim.

WHEREFORE, your Defendant and Plaintiff-in-Counterclaim moves for entry of separate judgment against the Plaintiff on the Order allowing Summary Judgment.

Respectfully submitted,  
James Dowd  
By his attorney,

/s/ Nelson P. Lovins  
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